

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

ELETSON HOLDINGS INC.,

Debtors.¹

Chapter 11

Case No.: 23-10322 (JPM)

(Jointly Administered)

**DEBTORS' STATEMENT AND RESERVATION OF RIGHTS IN CONNECTION
WITH THE UNITED STATES TRUSTEE'S OBJECTION TO PETITIONING
CREDITORS' MOTION FOR AN ORDER AUTHORIZING THE FILING UNDER
SEAL OF CERTAIN PORTIONS OF THE PETITIONING CREDITORS'
AUGUST 16, 2024 LETTER [DKT. 1168]**

The above captioned debtors and debtors-in-possession (collectively, the "Debtors") in these Chapter 11 cases, hereby makes the following Statement and Reservation of Rights in response to the *Petitioning Creditors' Motion for an Order Authorizing the Filing Under Seal of Certain Portions of the Petitioning Creditors' August 16, 2024 Letter* [Dkt. 955] (the "Motion") and *The United States Trustee's Objection to Petitioning Creditors' Motion for an Order Authorizing the Filing Under Seal of Certain Portions of the Petitioning Creditors' August 16, 2024 Letter* [Dkt. 1168] (the "UST Position"). In support thereof, the Debtors state as follows:

1. At the request of the Committee and the Court, the Debtors authorized Reed Smith to produce certain documents, including an engagement letter dated June 22, 2022 related to the JAMS Arbitration Engagement (the "JAMS Engagement Letter"). The JAMS Engagement Letter contains a confidentiality legend, and as such, was produced with a Confidentiality designation pursuant to the entered Protective Order [Dkt. 1018].

2. The Debtors do not take a position in connection with the UST Position to unseal

¹ The Debtors in these chapter 11 cases are: Eletson Holdings Inc., Eletson Finance (US) LLC, and Agathonissos Finance LLC.

the JAMS Engagement Letter.

3. However, the resolution of the Motion and the UST Position thereof does not constitute a waiver (explicitly or implicitly) of the attorney-client privilege or any other privilege or immunity with respect to the engagement identified JAMS Engagement Letter or any other arrangement that is between the Debtor and Reed Smith.

DATED: New York, New York
October 30, 2024

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